

### **Amendments to the Claims**

This listing of claims will replace all prior versions, and listings of claims in the specification:

#### **Listing of Claims**

1. (original) A process for the preparation of amorphous (4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester, which comprises dissolving (4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester in an organic solvent and isolation of an amorphous product.
2. (currently amended) The process according to claim 1, wherein ~~an~~ the organic solvent is selected from the group consisting of lower C1-C4 alkanols.
3. (currently amended) The process according to claims 1, ~~and 2,~~ wherein ~~an~~ the organic solvent is methanol.
4. (currently amended) A process for the preparation of amorphous (4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester, which comprises:
  - a) dissolving (4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester in ~~an~~ the organic solvent,
  - b) concentrating the solution,
  - c) adding water,
  - d) precipitating the amorphous product,
  - e) optionally isolating the precipitated product to obtain amorphous (4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester.

5. (currently amended) The process according to claim 4, wherein ~~an~~ the organic solvent is selected from the group of lower C1-C4 alkanols.
6. (currently amended) The process according to claim 4, wherein ~~an~~ the organic solvent is methanol.
7. (original) The process according to claim 4, wherein the concentration of the solution is performed at reduced pressure to a point where the solution is clear.
8. (currently amended) A ~~The process for the preparation of amorphous (4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester, which comprises dissolving crystalline (4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester in an inert organic solvent and isolation of an amorphous product.~~ according to claim 1, wherein the organic solvent is an inert organic solvent.
9. (currently amended) The process according to claim 8, wherein ~~an~~ the inert organic solvent is selected from the group consisting of lower alkanols, chlorinated lower alkanes, ketones, aromatic hydrocarbons, cyclic ethers and nitriles.
10. (currently amended) The process according to claims 8, ~~and 9~~, wherein ~~an~~ the inert organic solvent is selected from the group consisting of methanol, chloroform, methylene chloride, acetone, benzene, toluene, tetrahydrofuran and acetonitrile.
11. (currently amended) The process according to claim 8 wherein the process for the preparation of amorphous (4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester, comprises:
  - a) dissolving crystalline (4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester in ~~an~~ the inert organic solvent,
  - b) evaporation of the inert organic solvent,
  - c) isolation of the amorphous product.

12. (currently amended) The process according to claim 11, wherein the dissolving of crystalline (4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester in ~~an~~ the inert organic solvent is performed at about room temperature or under heating up to about 60 °C.

13. (currently amended) The process according to claim 11, wherein ~~an~~ the inert organic solvent is selected from the group consisting of lower alkanols, chlorinated lower alkanes, ketones, aromatic hydrocarbons, cyclic ethers and nitriles.

14. (currently amended) The process according to claims 11, ~~and 13~~, wherein ~~an~~ the inert organic solvent is selected from the group consisting of methanol, chloroform, methylene chloride, acetone, benzene, toluene, tetrahydrofuran and acetonitrile.

15. (currently amended) The process according to ~~anyone of~~ claims 8, ~~and 14~~ wherein the isolation of the amorphous product comprises evaporating the inert organic solvent at room or increased temperature and at normal or reduced pressure.

16. (original) (4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester in an solid amorphous form.

17. (currently amended) ~~(4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester in an solid amorphous form~~ The compound according to claim 16 with HPLC purity higher than 85%.

18. (currently amended) ~~(4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester in an solid amorphous form~~ The compound according to claim 16 with HPLC purity higher than 95%.

19. (currently amended) ~~(4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid-tertiary butyl ester in an solid amorphous form~~ The compound according to claim 16 with HPLC purity higher than 99%.

20. (currently amended) ~~(4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid-tertiary butyl ester in an solid amorphous form~~ The compound according to claim 16 having an X-ray powder diffraction pattern substantially as shown in Figure 1.

21. (currently amended) ~~(4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid-tertiary butyl ester in an solid amorphous form~~ The compound according to claim 16 having a DSC thermogram substantially as shown in Figure 2.

22. (original) A process for the production of atorvastatin calcium comprising the steps of:

- a) dissolving the ~~(4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester~~ in the organic solvent,
- b) isolating amorphous ~~(4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester~~ and
- c) using amorphous ~~(4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid - tertiary butyl ester~~ in the synthesis of atorvastatin.

23. (currently amended) Use of ~~(4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic acid-tertiary butyl ester in an amorphous form~~ the compound according to claim 16 in the production of atorvastatin.

24. (original) The use of ~~(4R-cis)-6-[2-[3-phenyl-4-(phenylcarbamoyl)-2-(4-fluorophenyl)-5-(1-methylethyl)-pyrrol-1-yl]-ethyl]-2,2-dimethyl-[1,3]-dioxane-4-yl-acetic~~

acid - tertiary butyl ester according to claim 22 wherein atorvastatin is in the form of a calcium salt.